

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NORTHEASTERN DIVISION**

BRENDA LAWRENCE and PATRICK LAWRENCE, Individually and as Husband and Wife,	*
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Plaintiffs,	*
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	*
VS.	* NO. 2:12-cv-00049
	*
BANG KIM HUYNH and HUNG VAN LE d/b/a T.C. TRANSPORTATION,	* Judge Sharp * Magistrate Judge Brown
	*
Defendants.	*

INITIAL CASE MANAGEMENT ORDER

A. JURISDICTION: The court has jurisdiction pursuant to 28 U.S.C. §1332 due to diversity of citizenship of the parties and the amount in controversy which exceeds \$75,000.00 and 28 U.S.C. §1331 since the cause of action arose in Smith County.

B. BRIEF THEORIES OF THE PARTIES:

1) PLAINTIFF:

2) DEFENDANTS: Defendants contend that Plaintiff is at fault for causing the accident or contributing to same. Under Tennessee's comparative fault laws, Plaintiffs' recovery will either be barred or reduced in proportion to her own negligence. As to injuries and damages, discovery is just beginning and as such, it is not known as to what issues, if any, might arise with regard to the nature and extent of the claimed damages.

C. ISSUES RESOLVED: Jurisdiction and venue.

D. ISSUES STILL IN DISPUTE: Liability and damages.

E. INITIAL DISCLOSURES: The parties shall exchange initial disclosure pursuant to Fed. R. Civ. P. 26(a)(1) on or before August 24, 2012.

F. DISCOVERY: The parties shall complete all written discovery and depose all fact witnesses on or before January 18, 2013. Discovery is not stayed during dispositive motions, unless ordered by the court. No motions concerning discovery are to be filed until after the parties have conferred in good faith. Discovery motions are to be filed in accordance with the practice of the magistrate judge who will resolve any dispute(s).

G. MOTIONS TO AMEND: The parties shall file all Motions to Amend on or before January 23, 2013.

H. DISCLOSURE OF EXPERTS: The plaintiff shall identify and disclose all expert witnesses and expert reports on or before February 1, 2013. The defendants shall identify and disclose all expert witnesses and reports on or before March 1, 2013. Rebuttal experts, if any, shall be identified and disclosed (along with expert reports) on or before March 15, 2013.

I. DEPOSITIONS OF EXPERT WITNESSES: The parties shall depose all expert witnesses on or before April 15, 2013.

J. JOINT MEDIATION REPORT: The parties shall submit a joint mediation report on or before December 1, 2012.

K. DISPOSITIVE MOTIONS: The parties shall file all dispositive motions on or before April 25, 2013. Responses to dispositive motions shall be filed within twenty-one (21) days after the filing of the motion. Briefs shall not exceed twenty (20) pages. Optional replies may be filed within fourteen (14) days after the filing of the response and shall not exceed five (5) pages.

L. ELECTRONIC DISCOVERY. The parties have reached agreements on how to conduct electronic discovery. Therefore, the default standard contained in Administrative Order No. 174 need not apply to this case.

L. TRIAL DATE AND ESTIMATED TRIAL TIME: The parties expect the trial to last approximately 2 days. This action is set for JURY trial on Lwq "52."4235"cv"; <2>cQ 0y kj 'j g Hpcn|Rtgtkcn|Eqphgtgpeg"ugv|hqt" Lwq "3."4235"cv"352'r @ 0Dqyj "ugv|kp'Eqqmgxkng0 KV|KU|UQ"QTF GTGF 0'

"

Kevin H. Sharp
United States District Judge

APPROVED FOR ENTRY:

/s/ Carl Wyatt
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